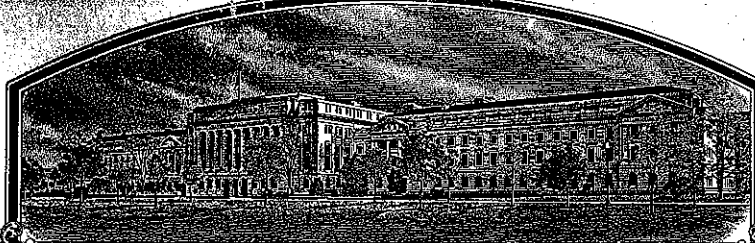


No.

200700126



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'PS 06516090'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventeenth day of February, in the year two thousand and nine.

Attest:

Ben Z...
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

W. J. V...
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

RAW
9/18/08

1. NAME OF OWNER Seminis Vegetable Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME PX 06516090		3. VARIETY NAME PS 06516090	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967		5. TELEPHONE (include area code) (805) 647-1572		FOR OFFICIAL USE ONLY PVPO NUMBER #200700126 FILING DATE FEBRUARY 13, 2007	
		6. FAX (include area code) (805) 918-2545			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION California		9. DATE OF INCORPORATION 4 June 1962	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)				F E E S R E C E I V E D FILING AND EXAMINATION FEES: \$ 4,382.00 DATE 2/13/07 CERTIFICATION FEE: \$ 768.00 DATE 10/29/08	
Carol Miller Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland, CA 95695 Marcel Bruins Seminis Vegetable Seeds, Inc. P.O. Box 97, NL-6700 AB Wageningen, Netherlands					
11. TELEPHONE (Include area code) (530) 669-6274		12. FAX (include area code) (530) 669-6112		13. E-MAIL carol.l.miller@seminis.com	
14. CROP KIND (Common Name) Lettuce		16. FAMILY NAME (Botanical) Asteraceae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Lactuca sativa L.		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER		
NAME (Please print or type) Carol L. Miller			NAME (Please print or type)		
CAPACITY OR TITLE PVP Specialist		DATE 12-Feb-07		CAPACITY OR TITLE DATE	

(See reverse for instructions and information collection burden statement)

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety **or by direct deposit soon after filing**, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to **reproduce** the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

General E-mail: PVPOmail@usda.gov

Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

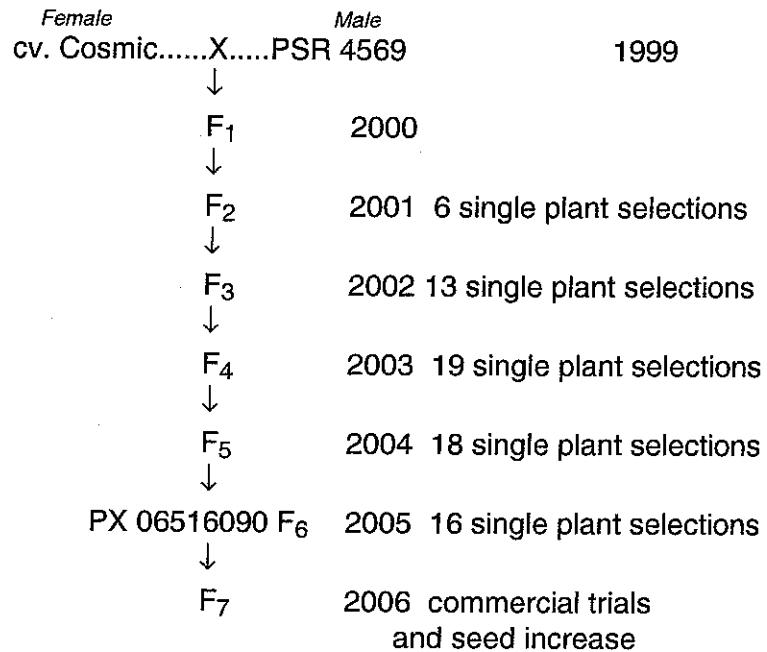
24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

US Patent Application filed 26-Jan-07 # 11/627,568 Entitled "Lettuce Line P2428-6090" by William Waycott

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Exhibit A. Origin and Breeding History of Lettuce PX 06516090KAD
9/18/08
PS 06516090**Pedigree of PX 06516090**

PX 06516090 originated in 1999 with the cross cv. Cosmic by PSR 4569. PSR 4569 originated in 1993 with the cross PI 206964 by Salinas 88, and is now known as 'PS 6545691' (US PVP 200000266 granted 19-Apr-05). PSR 4569 originated from a cross in 1993 between PI 206964 (female) and cv. Salinas 88 and was found to be genetically uniform and stable in 2000. Single plant selections were made in subsequent years in the area of intended commercialization. By F₆ a group of 16 families was judged uniform and bulked for trialing and seed increase. An F₇ mass was trialed in 2006 and an increase of F₈ seed was produced in the San Joaquin Valley of California this year.

The breeding work was carried out by Dr. William Waycott at the Seminis Vegetable Seed's Research Station at Arroyo Grande, California. Some test plots were conducted in 2005, while replicated field trials were carried out in most production areas throughout coastal and desert growing districts of California and Arizona during the year 2006.

The breeding method employed was pedigree selection, using both single plant selection and mass selection practices. The selection criteria for PX 06516090 was to identify a cultivar having characteristics similar to PS 6545691 but with a shorter, wider design.

PS 06516090 RAD 9/18/08

#200700126

The specific selection criteria for ~~PX~~ 06516090 were:

1. Identify a cultivar with the outer appearance of a romaine, but with the internal characteristics of an iceberg (crisphead), such as color, texture, taste, density, and a dark outer color with blanched inner color,
2. Resistance to corky root rot, and
3. Leaf index measurements in the range of 11.0 to 14.0

Observations made during two generations of trials and seed increases (F_6 in 2005 and F_7 in 2006) confirm that PX 06516090 is uniform and stable within commercially acceptable limits. As is true with other lettuce varieties, a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. However, we have seen neither genetic variants nor offtypes in more than 6,000 plants, indicating that this variety is genetically uniform and stable. No variants or off-types are known or expected to occur.

PS 06516090

RAP 9/18/08

#200700126

Exhibit B. Novelty Statement of Lettuce PX-06516090

PX 06516090 is the result of a cross between the romaine variety, cv. Cosmic and the sure-heading iceberg-romaine variety PS 6545691, then selected in subsequent generations for a sure-heading iceberg-romaine type. It has characteristics similar to PS 6545691, but heads are shorter and wider than PS 6545691. One disease resistance factor in PX 06516090 is similar to that in PS 6545691. They both have the cor gene needed for resistance to corky root rot (strain CA1).

Phenotypically, PX 06516090 is distinct from the most similar variety, PS 6545691 for five different traits. In replicated field trials, plants of PX 06516090 were shorter in overall height (24.3 cm vs. 27.6 cm), heads were wider in diameter (22.3 cm vs. 18.6 cm), and heavier (1318 g vs. 1181 g) than PS 6545691, and had shorter core lengths (65 days to 15 cm vs. 58 days) prior to harvest (Table 1). Leaf index measurements ($L \div W \times 10$) showed leaves of PX 06516090 were shorter and wider (12.5 vs. 16.6) than similar age leaves of PS 6545691.

The data presented here are statistically different at the 95% confidence level, exhibiting a range of means for plant height from 22.68 to 25.82 for PX 06516090 and from 25.88 to 29.12 for PS 6545691, of means for head diameter from 21.04 to 23.51 for PX 06516090 and from 17.42 to 19.78 for PS 6545691, of means for head weight from 1267.1 to 1368.4 for PX 06516090 and from 1131.7 to 1228.3 for PS 6545691, of means for leaf index from 12.03 to 12.82 for PX 06516090 and from 15.96 to 17.19 for PS 6545691, and of means for number of days to 15 cm from 62.73 to 66.87 for PX 06516090 and from 57.26 to 60.29 for PS 6545691, using the 0.95 probability of generating confidence intervals (CI) that contains the means.

PS 06516090 RAO 9/18/08

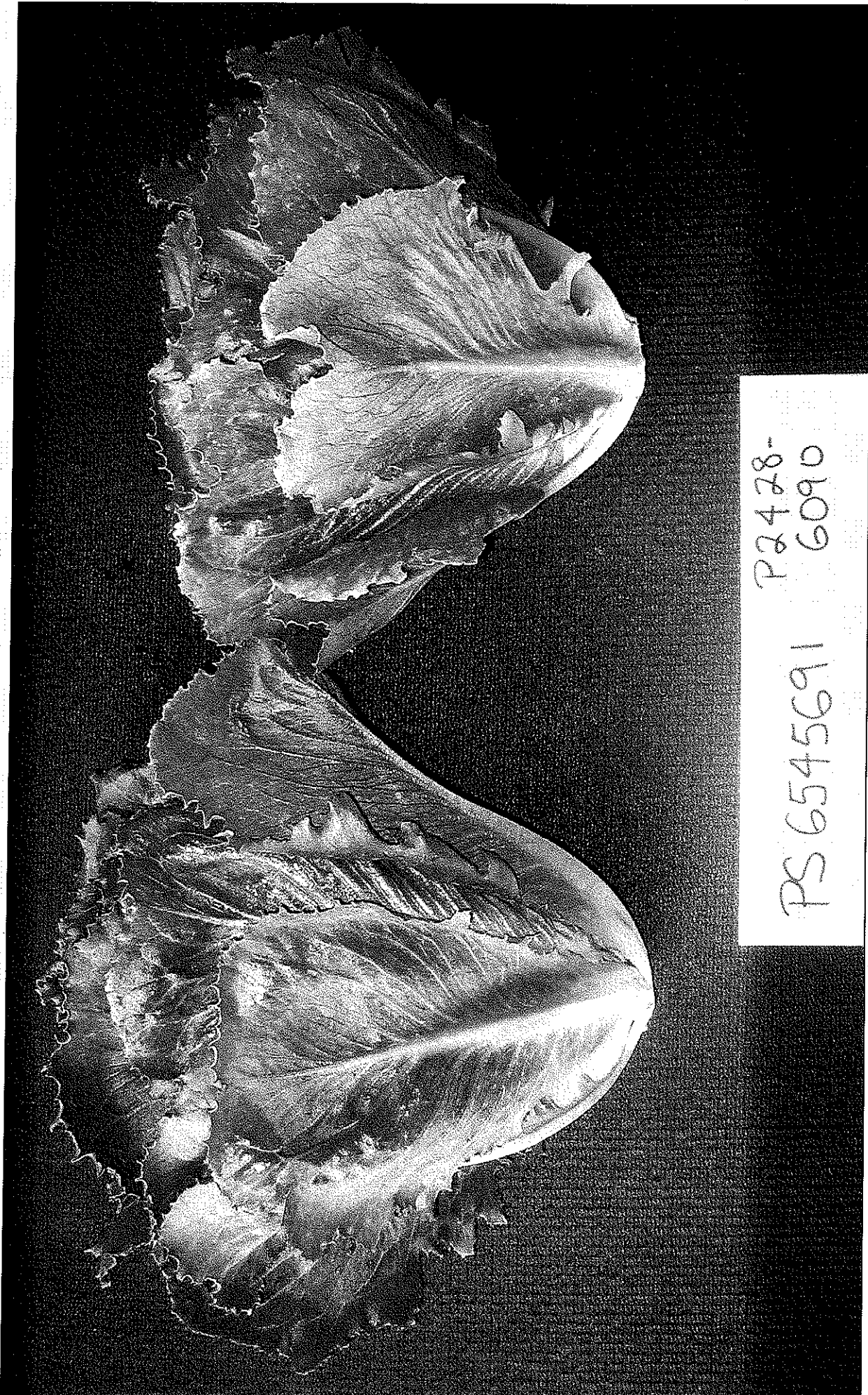
Table 1. Evaluation of PX 06516090 and the most similar cultivar, PS 6545691, for several important characters.

Trial No	Cultivar	Rep No.	Plant Height ^a	Head Diam. ^b	Head Weight ^c	Leaf Index ^d	No. of Days to 15 cm ^e
Trial 1: Evaluated 16 Feb 2006 Yuma, AZ	PX 06516090:	Rep. 1	24.2±0.7	21.7±0.5	1276±23.4	12.9±0.2	64.2±0.9
		Rep. 2	25.1±0.8	21.1±0.4	1235±22.7	12.4±0.3	63.8±0.9
		Average:	24.7±0.8	21.4±0.5	1256±23.1	12.7±0.3	64.0±0.9
	PS 6545691:	Rep. 1	27.5±0.8	17.3±0.5	1159±21.2	16.7±0.3	58.5±0.9
		Rep. 2	28.8±0.8	18.7±0.5	1046±21.9	16.8±0.3	57.4±0.8
		Average:	28.2±0.8	18.0±0.5	1103±21.6	16.8±0.3	57.9±0.9
Trial 2: Evaluated: 22 Aug 2006 Salinas, CA	PX 06516090:	Rep. 1	23.8±0.7	22.6±0.7	1393±22.1	12.1±0.2	65.3±1.0
		Rep. 2	23.9±0.6	23.7±0.6	1367±22.2	12.3±0.2	65.9±0.9
		Average:	23.9±0.7	23.2±0.7	1380±22.2	12.2±0.2	65.6±1.0
	PS 6545691:	Rep. 1	26.2±0.7	19.6±0.5	1244±22.0	16.5±0.3	59.1±0.9
		Rep. 2	27.5±0.6	18.8±0.6	1271±21.5	16.3±0.4	60.1±0.9
		Average:	26.9±0.7	19.2±0.6	1258±21.8	16.4±0.4	59.6±0.9

Range of variation among means of statistically significant differences at the 95% level using the confidence interval [CI = mean ± (SDXSE)]:

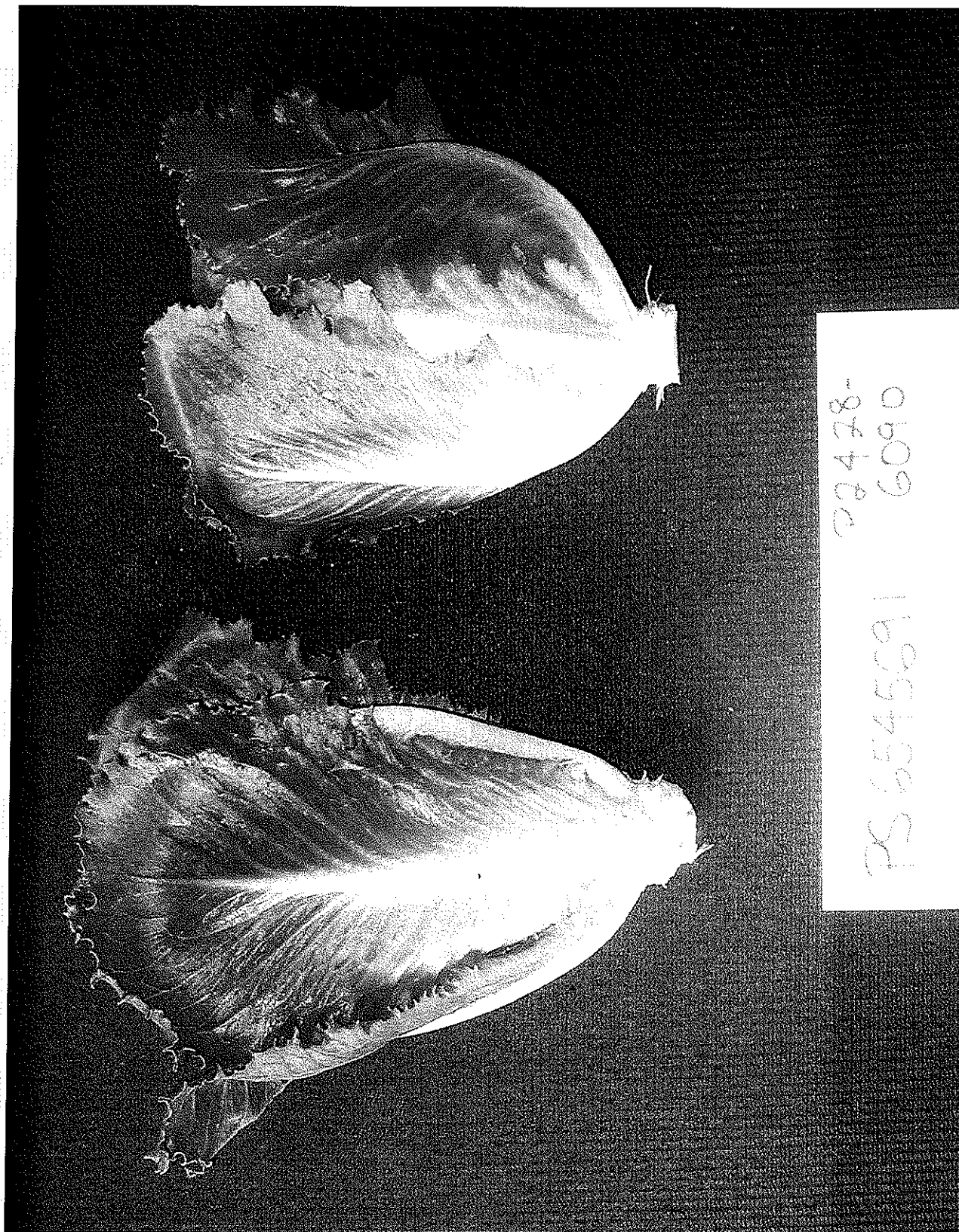
PX 06516090	22.68 to 25.82	21.04 to 23.51	1267.1 to 1368.4	12.03 to 12.82	62.73 to 66.87
PS 6545691	25.88 to 29.12	17.42 to 19.78	1131.7 to 1228.3	15.96 to 17.19	57.26 to 60.29

- ^a Mean plant height using two sowing dates of 20 plants per replication in cm ± standard deviation.
- ^b Mean head diameter using two sowing dates of 20 plants per replication in cm ± standard deviation.
- ^c Mean head weight using two sowing dates of 20 plants per replication in grams ± standard deviation.
- ^d Mean leaf index ((L + W x 10)) of the largest leaves using two sowing dates of 20 plants per replication in mm ± standard deviation.
- ^e Mean number of days until stem reaches 15 cm using two replications of 20 plants each.



PS 6545691 P2478-
6090

Mature heads of lettuces PS 6545691 and PX-06516090 (untrimmed)
R#0 9/18/08 PS 06516090



22478-
6090

PS 6545691

Mature heads of lettuces PS 6545691 and PX-06516090-(trimmed)

PS 06516090

RAB 9/18/08

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Lettuce (*Lactuca sativa* L.)

RAD 9/18/08

NAME OF APPLICANT (S) <u>Seminis Vegetable Seeds, Inc.</u>	TEMPORARY OR EXPERIMENTAL DESIGNATION <u>PX 06516090</u>	VARIETY NAME <u>PS 06516090</u>
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) <u>2700 Camino del Sol</u> <u>Oxnard, CA 93030</u>		FOR OFFICIAL USE ONLY PVPO NUMBER <u>#200700126</u>

Place the appropriate number that describes the varietal character in the boxes below. Place a zero in the first box (e.g. 0 9 9 or 0 9) when number is either 99 or less or 9 or less. Measured data should be the mean of an appropriate number (at least 20) of well space plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The Location of the Test Area is:

California & Arizona

Color System Used:

Royal Horticultural Society

SPECIFIC VARIETIES USED FOR COMPARISON AS CHECK VARIETIES IN THIS APPLICATION: Use standard regional check varieties, which are adapted to your area. One of the comparison varieties must be the most similar variety used in Exhibit B.

Application Variety (a1) PX 06516090 Most Similar Variety (c1) PS 6545691

Standard Regional Check Variety (c2) Salinas

1. PLANT TYPE: (See List of Suggested Check Varieties on Page 8)

01 = Cutting/Leaf
02 = Butterhead
03 = Bibb

04 = Cos or Romaine
05 = Great Lakes Group
06 = Vanguard Group

07 = Salinas Group
08 = Eastern (Ithaca) Group
09 = Stem

10 = Latin
11 = Other (Specify) Iceberg-Romaine Cross

(a1) 111

(c1) 111

(c2) 07

2. SEED:

(a1) 2 } COLOR
(c1) 2 } 1 = White (Silver Gray)
(c2) 2 } 2 = Black (Grey Brown)
3 = Brown (Amber)

(a1) 2 } LIGHT DORMANCY
(c1) 2 } 1 = Light Required
(c2) 2 } 2 = Light Not Required

(a1) 1 } HEAT DORMANCY
(c1) 1 } 1 = Susceptible
(c2) 1 } 2 = Not Susceptible

3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day-old seedling grown under optimal conditions.

SHAPE OF COTYLEDONS: 1 = Broad 2 = Intermediate 3 = Spatulate

(a1) 2

(c1) 3

(c2) 2

SHAPE OF FOURTH LEAF:

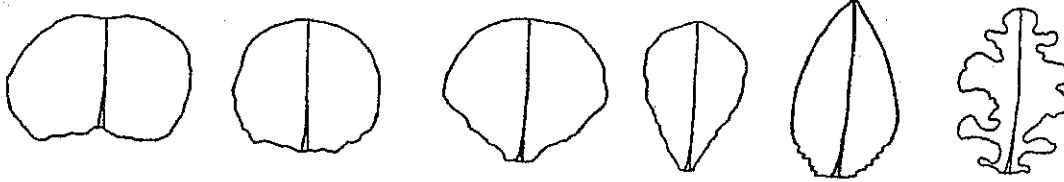
(a1) 4

(c1) 4

(c2) 4

9

3. COTYLEDON TO FOURTH LEAF STAGE: (continued)



1. Transverse oval

2. Round

3. Oval

4. Elongated

5. Lanceolate

6. Pinnately lobed

LENGTH/WIDTH INDEX OF FOURTH LEAF: L/W x 10

(a1) (c1) (c2)

APICAL MARGIN:

1 = Entire

2 = Crenate/Gnawed

3 = Finely Dentate

4 = Moderately Dentate

5 = Coarsely Dentate

6 = Incised

7 = Lobed

8 = Other (Specify) _____

(a1) (c1) (c2)

BASAL MARGIN: (Use the options for Apical Margin above)

(a1) (c1) (c2)

UNDULATION:

1 = Flat

2 = Slight

3 = Medium

4 = Marked

(a1) (c1) (c2)

GREEN COLOR:

1 = Yellow Green

2 = Light Green

3 = Medium Green

4 = Dark Green

5 = Blue Green

6 = Silver Green

7 = Grey Green

(a1) (c1) (c2)

ANTHOCYANIN:

DISTRIBUTION:

1 = Absent

2 = Margin Only

3 = Spotted

4 = Throughout

5 = Other (Specify) _____

(a1) (c1) (c2) CONCENTRATION: N/A

1 = Light

2 = Moderate

3 = Intense

(a1) (c1) (c2)

ROLLING:

1 = Absent

2 = Present

(a1) (c1) (c2)

CUPPING:

1 = Uncupped

2 = Slight

3 = Markedly

(a1) (c1) (c2)

REFLEXING:

1 = None

2 = Apical Margin

3 = Lateral Margins

(a1) (c1) (c2)

4. MATURE LEAVES (Observe Harvest-Mature Outer Leaves)

NOTE: Provide color photo of a harvest-mature leaf which accurately shows color and margin characteristics.

MARGIN:**INCISION DEPTH:**
(deepest penetration
of the margin)

1 = Absent/Shallow (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Deep (Great Lakes 659)

(a1)

(c1)

(c2)

INDENTATION: (Finest divisions of the margin)

1 = Entire (Dark Green Boston)

4 = Crenate (Vanguard)

2 = Shallowly Dentate (Great Lakes 65)

5 = Other (Specify) _____

3 = Deeply Dentate (Great Lakes 659)

(a1)

(c1)

(c2)

**UNDULATIONS OF THE
APICAL MARGIN:**

1 = Absent/Slight (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Strong (Great Lakes 659)

(a1)

(c1)

(c2)

GREEN COLOR:

1 = Very Light Green (Bibb)

3 = Medium Green (Great Lakes)

5 = Very Dark Green

2 = Light Green (Minetto)

4 = Dark Green (Vanguard)

6 = Other (Specify) _____

(a1)

(c1)

(c2)

ANTHOCYANIN:**DISTRIBUTION:**

1 = Absent

3 = Spotted (California Cream Butter)

5 = Other (Specify) _____

2 = Margin Only (Big Boston)

4 = Throughout (Prize Head)

(a1)

(c1)

(c2)

CONCENTRATION: N/A

1 = Light (Iceberg)

2 = Moderate (Prize Head)

3 = Intense (Ruby)

(a1)

(c1)

(c2)

SIZE:

1 = Small

2 = Medium

3 = Large

(a1)

(c1)

(c2)

GLOSSINESS:

1 = Dull (Vanguard)

2 = Moderate (Salinas)

3 = Glossy (Great Lakes)

(a1)

(c1)

(c2)

BLISTERING:1 = Absent/Slight
(Salinas)2 = Moderate
(Vanguard)3 = Strong
(Prize Head)

(a1)

(c1)

(c2)

LEAF THICKNESS:

1 = Thin

2 = Intermediate

3 = Thick

(a1)

(c1)

(c2)

TRICHOMES:

1 = Absent (Smooth)

2 = Present (Spiny)

(a1)

(c1)

(c2)

5. PLANT:**SPREAD OF FRAME LEAVES:**

(a1)

cm

(c1)

cm

(c2)

cm

5. PLANT: (continued)

HEAD DIAMETER: (Market Trimmed with Single Cap Leaf)

(a1) 22 cm(c1) 18 cm(c2) 24 cm

HEAD SHAPE:

1 = Flattened

2 = Slightly Flattened

3 = Spherical

4 = Elongate

5 = Non-Heading

6 = Other (Specify) _____

(a1) 04(c1) 04(c2) 03

HEAD SIZE CLASS:

1 = Small

2 = Medium

3 = Large

(a1) 03(c1) 03(c2) 03

HEAD PER CARTON:

(a1) 24(c1) 24(c2) 24

HEAD WEIGHT:

(a1) 1257 g.(c1) 1314 g.(c2) 1067 g.

HEAD FIRMNESS:

1 = Loose

2 = Moderate

3 = Firm

4 = Very Firm

(a1) 4(c1) 4(c2) 4

6. BUTT:

SHAPE:

1 = Slightly Concave

2 = Flat

3 = Rounded

(a1) 3(c1) 3(c2) 3

MIDRIB:

1 = Flattened (Salinas)

2 = Moderately Raised

3 = Prominently Raised (Great Lakes 659)

(a1) 3(c1) 3(c2) 2

7. CORE:

DIAMETER AT BASE OF HEAD:

(a1) 39 mm(c1) 44 mm(c2) 37 mm

RATIO OF HEAD DIAMETER/CORE DIAMETER:

(a1) 05.6(c1) 07.2(c2) 05.7

CORE HEIGHT FROM BASE OF HEAD TO APEX:

(a1) 58 mm(c1) 59 mm(c2) 49 mm8. BOLTING: (Give First Water Date: 21-APR-06) NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

NUMBER OF DAYS FROM FIRST WATER DATE TO SEED STALK EMERGENCE: (summer conditions)

(a1) 065(c1) 059(c2) 061

BOLTING CLASS:

1 = Very Slow

2 = Slow

3 = Medium

4 = Rapid

5 = Very Rapid

(a1) 3(c1) 3(c2) 3

HEIGHT OF MATURE SEED STALK:

107 cm110 cm108 cm

(a1) cm (c1) cm (c2) cm

8. BOLTING: (continued)

SPREAD OF BOLTER PLANT: (At widest point)

(a1) 48 cm (c1) 49 cm (c2) 54 cm

BOLTER LEAVES: 1 = Straight 2 = Curved

(a1) 2 (c1) 2 (c2) 2

MARGIN: 1 = Entire 2 = Dentate

(a1) 1 (c1) 1 (c2) 2

COLOR: 1 = Light Green 2 = Medium Green 3 = Dark Green

(a1) 2 (c1) 2 (c2) 2

BOLTER HABIT:

TERMINAL INFLORESCENCE: 1 = Absent 2 = Present

(a1) 2 (c1) 2 (c2) 2

LATERAL SHOOTS: 1 = Absent 2 = Present

(a1) 2 (c1) 2 (c2) 2

BASAL SIDE SHOOTS: 1 = Absent 2 = Present

(a1) 1 (c1) 1 (c2) 1

9. MATURITY: (earliness of harvest-mature head formation)

NOTE: Complete this section for at least one season.

SEASON	APPLICATION VARIETY No. of Days ¹			MOST SIMILAR VARIETY No. of Days ¹			STANDARD REGIONAL CHECK VARIETY No. of Days ¹		
Spring	1	2	4	1	2	6	1	2	1
Summer	0	7	1	0	7	0	0	6	8
Fall	0	8	5	0	8	5	0	8	2
Winter	1	1	1	1	1	2	1	0	8

¹ First Water Date to Harvest

Give Planting Date(s) and Location(s):

Spring:	Huron, CA	Nov. 2005	Nurseries
Summer:	Salinas, CA	Apr. 2005	"
Fall:	Huron, CA	Late Aug. 2005	"
Winter:	Yuma, AZ	Oct. 2005	"

10. ADAPTATION:

PRIMARY REGIONS OF ADAPTATION (tested and proven adapted):

0 = Not Tested 1 = Not Adapted 2 = Adapted

<input checked="" type="checkbox"/> Southwest (CA and/or AZ desert)	<input type="checkbox"/> West Coast	<input type="checkbox"/> Northeast
<input type="checkbox"/> North Central	<input type="checkbox"/> Southeast	<input type="checkbox"/> Other (Specify) _____

10. ADAPTATION: (Continued)

SEASON:

☐ Spring (Area Fresno Co., CA) ☐ Fall (Area Fresno Co., CA)
☐ Summer (Area Monterey Co., CA) ☐ Winter (Area Yuma Co., AZ)

☐ GREENHOUSE: 0 = Not Tested 1 = Not Adapted 2 = Adapted
☐ SOIL TYPE: 1 = Mineral 2 = Organic 3 = Both

11. VIRAL DISEASES:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Big Vein	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Lettuce Mosaic	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Cucumber Mosaic	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Tomato Bushy Stunt, cause of dieback	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Turnip Mosaic	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Beet Western Yellows	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Lettuce Infectious Yellows	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Other (Specify) _____	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

12. FUNGAL/BACTERIAL DISEASES:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Corky Root Rot (Races: _____)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Downy Mildew (Races: _____)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Powdery Mildew	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Sclerotinia Drop	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Bacterial Soft Rot (<i>Pseudomonas</i> spp. and others)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Botrytis (Grey Mold)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Verticillium Wilt	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Bacterial Leaf Spot	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Anthracnose	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Other (Specify) _____	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

13. INSECTS:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Cabbage Loopers	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Root Aphids	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Green Peach Aphid	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Lettuce Aphid	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

Pea Leafminer	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Other (Specify) _____	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

14. PHYSIOLOGICAL STRESSES:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Tipburn	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Heat	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Drought	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Cold	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Salt	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Brown Rib (Rib Discoloration, Rib Blight)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Other (Specify) _____	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

15. POST HARVEST STRESS:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Pink Rib	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Russet Spotting	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Rusty Brown Discoloration	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Internal Rib Necrosis (Blackheart, Grey Rib, Grey Streak)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Brown Stain	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

16. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:

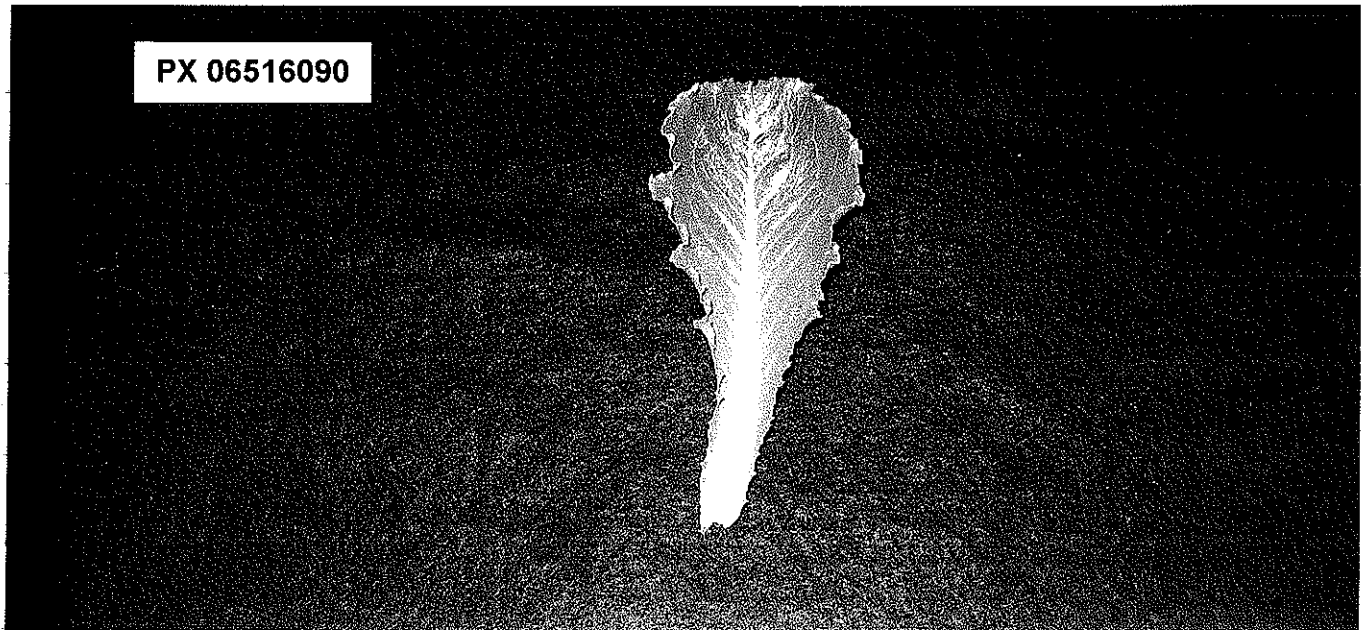
17. COMMENTS:

SUGGESTED CHECK VARIETIES

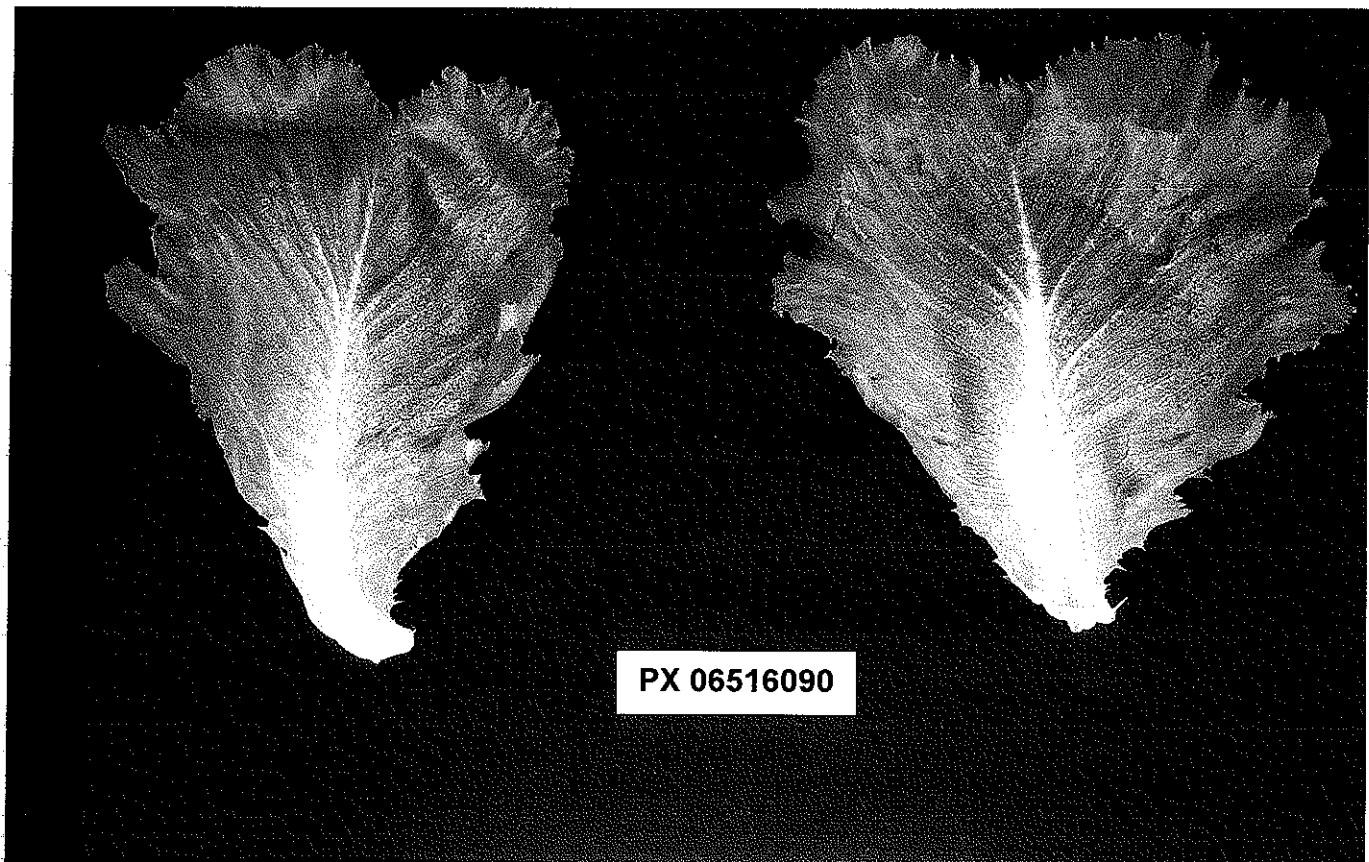
<u>TYPE</u>	<u>CHECK VARIETY</u>
1 Cutting/Leaf	Waldmann's Green
2 Butterhead	Dark Green Boston
3 Bibb	Bibb
4 Cos or Romain	Parris Island
5 Great Lakes Group	Great Lakes 659-700
6 Vanguard Group	Vanguard
7 Salinas Group	Salinas
8 Eastern Group	Ithaca
9 Stem	Celtuce
10 Latin	Little Gem

REFERENCES

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- Davis, R.M., K.V. Subbarao, R.N. Raid, and E.A. Kurtz, 1997. "Compendium of Lettuce Diseases". APS Press, St. Paul, MN.
- Michelmore, R.W., J. M. Norwood, D.S. Ingram, I.R. Crute and P. Nicholson. 1984. "The inheritance of virulence in *Bremia lactucae* to match resistance factors 3, 4, 5, 6, 8, 9, 10, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
- Norwood, J.M., R.W. Michelmore, I.R. Crute and D.S. Ingram. 1983. "The inheritance of specific virulence of *Bremia lactucae* (Downy Mildew) to match R-factors 1, 2, 4, 6, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
- Rodenburg, C.M., et al., 1960. "Varieties of Lettuce. An International Monograph", Instituut voor de Verdeling van Tuinbouwgewassen (IVT), Wageningen, NL.
- Ryder, E.J., 1999, *Lettuce, Endive, and Chicory*, CABI Publications, Wallingford, UK.

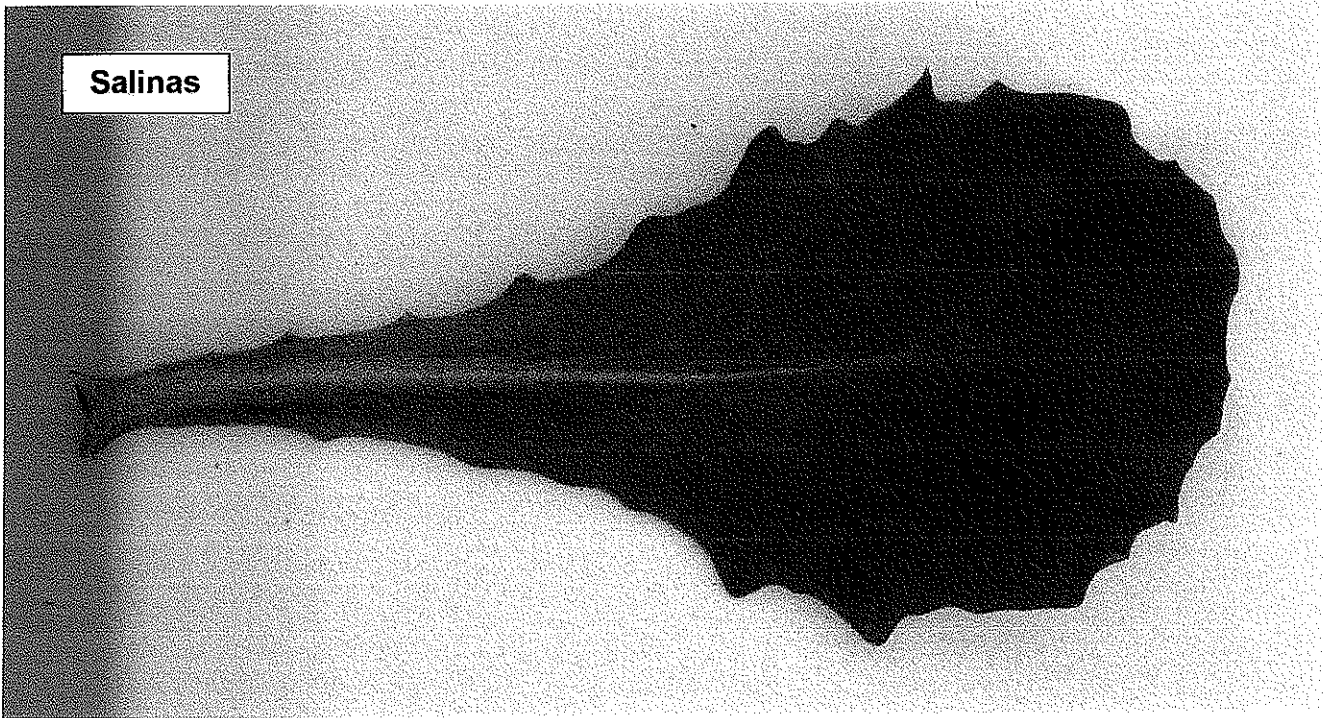


Fourth leaf from 20-day old seedlings of PX 06516090



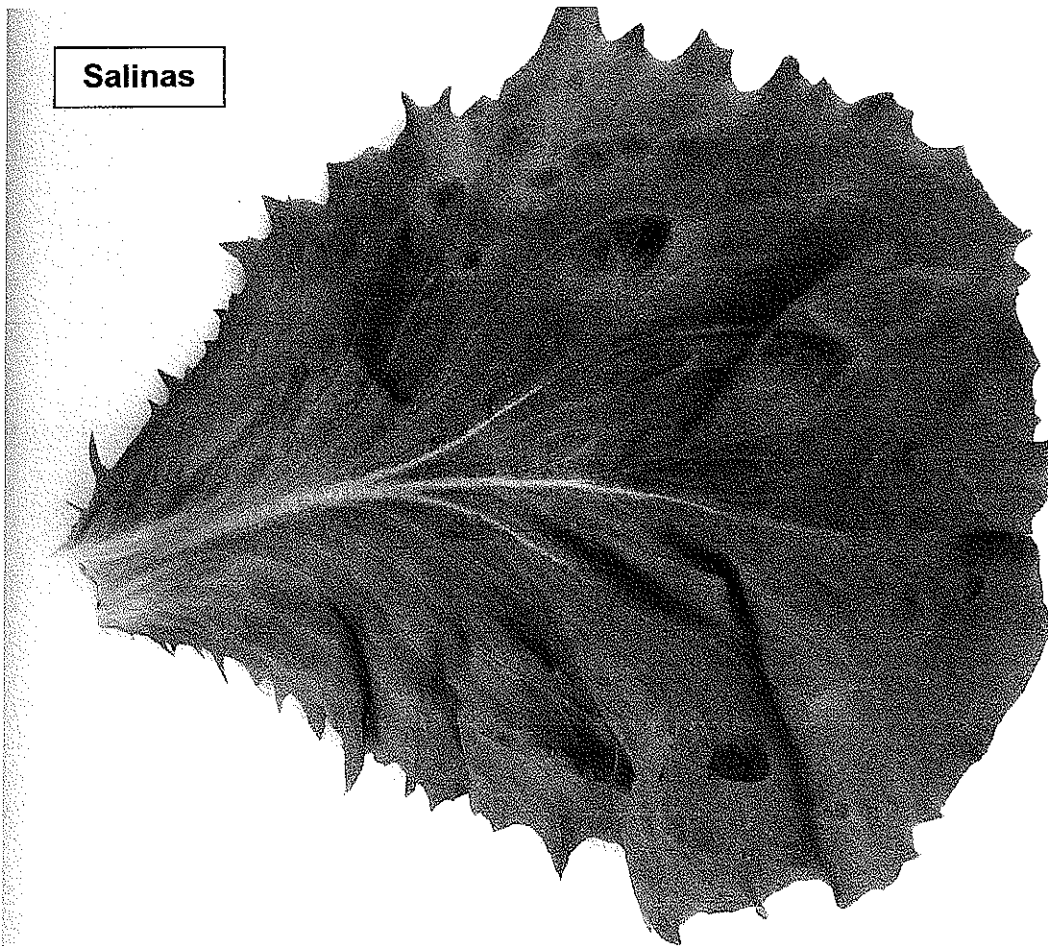
Harvest – mature leaf of PX 06516090

Salinas



Fourth leaf from 20-day old seedlings of 'Salinas'

Salinas



Harvest – mature leaf of 'Salinas'

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICEApplication is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426). PDP
9/18/08**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER PX 06516090	3. VARIETY NAME PS 06516090
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2700 Camino del Sol Oxnard, California 93030	5. TELEPHONE (Include area code) (805) 647-1572	6. FAX (Include area code) (805) 918-2545
7. PVPO NUMBER #200700126		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.



YES



NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.



YES



NO

10. Is the applicant the original owner?



YES



NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?



YES



NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?



YES



NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) identified below. By agreement between the employee and Seminis Vegetable Seeds, Inc., all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such an invention, discovery, or development are retained by the employee.

Employee (Breeder): William Waycott

Site Location: Arroyo Grande, CA

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) Seminis Vegetable Seeds, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2700 Camino del Sol Oxnard, CA 93030	TEMPORARY OR EXPERIMENTAL DESIGNATION PX 06516090
NAME OF OWNER REPRESENTATIVE (S) Carol L. Miller	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2700 Camino del Sol 37437 State Highway 16 Oxnard, CA 93030 Woodland, CA 95695	VARIETY NAME PS 06516090 FOR OFFICIAL USE ONLY PVPO NUMBER #200700126

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature



Date

